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FM AMEMBASSY BANGKOK
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2372
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEHBJ/AMEMBASSY BEIJING 3091
RUEHBY/AMEMBASSY CANBERRA 6187
RUEHUL/AMEMBASSY SEOUL 2239
RHEHNSC/NSC WASHDC
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C O N F I D E N T I A L SECTION 01 OF 04 BANGKOK 006354

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E.O. 12958: DECL: 10/16/2016

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TH](#)

SUBJECT: CIVIL SOCIETY: PATIENCE WEARING THIN

REF: A. BANGKOK 6269 [AMBASSADOR MAKES JOINT CALL ON

INTERIM PM SURAYUD]

[1](#)B. BANGKOK 6241 [AMBASSADOR PRESSES CNS TO LIFT
MARTIAL LAW

[1](#)C. ACCELERATE ELECTIONS]

Classified By: Ambassador Ralph L. Boyce, reason 1.4 (b) (d)

[1](#)1. (C) SUMMARY: Civil society contacts are extremely concerned about the continued imposition of martial law and restrictions on civil liberties. There are more diverse views on other topics, including the advisability of accelerating the election timetable. Many are disappointed by the appointment of a National Legislative Assembly dominated by Bangkok bureaucrats and military. While there is continued support for, or at least acceptance of, the Council on National Security and the interim government, our conversations show that, for some, patience is starting to run out, due to the delay in lifting martial law and concerns about the military's influence over the transitional political process. END SUMMARY

MARTIAL LAW

[1](#)2. (C) The single issue that concerns civil society contacts more than any other is the continued imposition of martial law and restrictions on civil liberties. The restrictions on political party activity and on gathering more than five people for a political meeting hindered the planning and the activities of those we spoke to, even though we are unaware of any instance where the government has actually interfered with any gathering or demonstration so far. Suriyasai Katasila, spokesman for the People's Alliance for Democracy (PAD) complained that NGOs wanted to organize to draft a parallel Constitution, in order to draw attention to the issues they believe are most important. The restrictions on political gatherings mean that the NGOs cannot legally meet and organize themselves to take on this task. Suriyasai did point out that some NGOs were meeting and even demonstrating, without government interference. Since the government was not enforcing the restrictions, he said, they might as well lift them.

[1](#)3. (C) The spokesman of the Democrat Party also noted that martial law restrictions limit his party's activities. Among other things, once martial law is lifted, the party officials may argue for a faster transition back to democracy than the

one year time table laid out by the interim constitution. The spokesman recognized that the government is worried about the activities of Thai Rak Thai and diehard Thaksin supporters writ large. He observed that Thaksin in London is too quiet, "too polite;" he is probably up to something behind the scenes. The government probably feared that, once it lifts martial law, it would be difficult to impose it again even if the threat to security became more serious. However, the Democrat argued that the interim government could at least find a way to lift martial law in stages, starting with Bangkok, if there were a real reason to fear unrest in the countryside.

¶4. (C) Other contacts echoed these concerns. There is general agreement that there does not seem to be any security justification for the continuing restrictions. Somchai Homlaor, the chairman of the Human Rights Committee of the Lawyers Council of Thailand, said that the fear that TRT could mobilize its base to challenge the interim government and the Council on National Security (CNS) is "overstated." Gotham Areeya, a long-time activist, Chairman of the National Economic and Social Advisory Council (and member of the interim National Legislative Assembly) agreed, and questioned how strong the popular support for TRT in the countryside really was.

¶5. (C) Human rights activist Sunai Phasuk noted that the concerns about martial law and similar issues "puts people like me in a very difficult and uncomfortable position." He said that as a staunch anti-Thaksin activist, he was initially relieved to see the Thaksin administration forced out, and he wants to be supportive of the interim government's effort to restore democracy in Thailand. But the failure of the CNS in responding to repeated calls for

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lifting martial law and restrictions on civil liberties is making it impossible for him (and people like him) who want to be supportive. He drew a parallel to the 1991 coup and the initial support for Gen. Suchinda that "disappeared overnight" when the population determined that the military planned to retain control of the government. He said that the justification offered by the CNS and the government for maintaining martial law are weak. He observed that the military could certainly contain any perceived threat from remaining Thaksin loyalists without the imposition martial law on the entire country.

NATIONAL LEGISLATIVE ASSEMBLY

¶6. (C) The announcement of the 242-member National Legislative Assembly (NLA) has met with a more negative reception than the earlier announcement of the new Cabinet. Many of the newspapers commented on the large number of serving military officers (35), bureaucrats, and retired military, and the absence of "grassroots" representatives, meaning mostly people from outside Bangkok. Several also commented on the predominance of "Prem's men:" military and civilians associated with Privy Councillor Prem Tinsulanonda. (Comment: It is worth noting that Prem's advanced age and long tenure in government (he was PM for over eight years in the 1980's) mean that many political figures are less than six degrees of separation from the Privy Councillor. However, the observation that Prem's former proteges and colleagues are well-represented seems fair. End comment). NLA member Gotham pointed out that, in the Thai system, the winners expect to be able give out spoils; he was concerned that at least some of the NLA seats had been awarded on the basis of cronyism. In any case, the NLA membership was "not representative." One solution was to appoint a several more members from the "grass roots." The interim constitution allows for up to 250 members in the NLA, so there is room for a few more.

¶7. (C) There is some controversy over the participation of

journalists and civil society representatives in the NLA. The selection of journalist members seems to have followed an informal quota system, which we have heard is also how some of the other seats were filled. Many of the major news organizations (the TV stations and largest newspapers) are represented, including the respected daily "Matichon" and the tabloid "Thai Rath" -- represented, for some reason, by its gossip columnist. Some journalist NGOs are calling for media representatives to leave the NLA in order to maintain their objectivity. (Journalists covering the NLA are also complaining, but perhaps mainly because they fear that the insiders will scoop them.) We heard also that several of the civil society representatives, including Gothom Areeya, sought the advice of other civil society organizations before agreeing to take seats in the NLA. They agreed that some would accept seats in the NLA, while others would work from the outside, but all with the same goal of facilitating the return of democracy.

18. (C) Many activists are now concerned about who will be chosen to head the NLA. General Sonthi has said that the CNS will not choose the President of the NLA, although the interim constitution appears to give CNS that right. Instead, the NLA will vote on its leader. According to the press, the front runner appears to be Meechai Ruchupan, one of the drafters of the interim constitution who has been heavily criticized for his role in assisting the 1991 military coup makers. Human rights lawyer Somchai, echoing widely-held views, expressed strong opposition to Meechai, saying that if Meechai is made president of the NLA, "that will send a very clear signal of what the process will be."

19. (C) It will be a challenge for the NLA to do credible work as a legislature since almost all the members will be part-time, holding on to their current jobs. Activist Gothom plans to use the resources of the National Economic and Social Advisory Council to help him research any draft legislation and be able to comment on it intelligently. Other members will not have that advantage, and Gothom is concerned that they may therefore be more amenable to outside influence. However, since the NLA will only meet for one year, he conceded that it was difficult to do things

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otherwise, since NLA members would not have been willing to quit their jobs for such a short term in the assembly, and no one wanted to create more career politicians.

CIVILIAN/MILITARY BALANCE

10. (C) Human rights advocate Sunai Phasuk expressed concern that, a month after the coup, the military appears to be creating a structure that will enable it to retain excessive influence throughout the coming year, and possibly beyond. He pointed to the various articles in the interim constitution placing power with the CNS, and to the predominance of military figures in the line-up of the recently announced National Legislative Assembly. Sunai said that although the CNS sought the advice of members of civil society in drafting the interim constitution, they completely ignored the advice that was offered. He said that, in his analysis, many of the articles in the interim constitution seem unnecessary unless they want to ensure their hold on power throughout the year.

11.(C) Activist Gothom was also concerned about the elements in the interim constitution that the CNS could use to maintain "inappropriate" influence. However, he took a more wait-and-see attitude. He hoped that the NLA could, for example, pass legislation or take other measures to ensure that the CNS could not impose restrictions on the public in contradiction to the interim constitution's guarantees of civil liberties.

ELECTION TIMETABLE

¶12. (C) Civil society is split on whether the transition to new elections can or even should take place faster than the one year timetable the CNS promised. While the Democrat party spokesman said that they might argue for a faster transition, the Democrat party head wrote in an op-ed earlier this month that, "While we can wait for one year for the new constitution and elections, the same cannot be said for the lifting of various restrictions on freedom and rights. This must be done as soon as possible."

¶13. (C) Human rights lawyer Somchai was concerned that the CNS would drag out the transition: "This is the nature of a military junta. At the beginning the junta made a lot of promises. Now they are in power and they are approached by a lot of greedy business people, greedy politicians, and others. Now they will seek to hold on to power as long as they can." He argued that, using the 1997 Constitution as a basis, it shouldn't take very long to complete the new draft. His colleague Gotham, however, walked poloff through a step-by-step timetable for choosing the Constitutional Drafting Committee, drafting the constitution, submitting it for comment and making amendments to the draft. Of the six months for constitution drafting, he estimated that about three would be given over to "getting the ball rolling" and then responding to public input on the draft. That left three months for actual drafting, a process that might be shortened, but not by much. Similarly, once the constitution was complete and the legal frame work was clear, the Election Commission would need two months to organize good elections. Overall, he did not think that the one year schedule could be shortened by much, and he did not see that issue as one of the more important concerns.

GROWING SKEPTICISM

¶14. (C) Much of the public still appears to accept the coup and to be willing to give PM Surayud, in particular, a chance. But some of the activists who welcomed the coup are beginning to be disillusioned. Human rights activist Sunai expressed his frustration with the military. He said that General Sonthi was "clueless" and the other military leaders around him are preparing "to sacrifice our freedoms for the sake of stability." He found it increasingly evident that, while General Sonthi was in over his head and Surayud struggled to set an agenda and "action plan" for his cabinet, Privy Councillor Prem is the one "pulling the strings."

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Sunai suggested that Prem needs to be informed that the perceived intransigence of the CNS in restoring civil liberties is "making the military look very bad."

¶15. (C) Sunai said how deeply disappointed he was in the military. He emphasized that he was close to many officers and, in fact, taught many of them in his capacity as a guest lecturer at Chulachomklao Royal Military Academy and the Royal Thai Air Force Academy. He said that he had always held the military in high regard for their sense of honor and dedication to the country. As such, he expected that the coup makers would hold true to the promises made in the hours and days following the coup to restore civil liberties and democratic civilian rule as quickly as possible. Now he is increasingly concerned that the military is taking steps to maintain its influence over the government for the long term.

¶16. (C) Human rights lawyer Somchai said that civil society will begin to organize if they see no progress on meeting their demands (lifting martial law, restoring civil liberties, inclusive/transparent process in drafting the new constitution). He noted that the PAD is working to develop a network in the provinces. He laughed as he observed that PAD -- the biggest and most effective anti-Thaksin group -- may

find itself forming new alliances with former foes in the pro-TRT camp.

¶17. (C) We asked activist Gotham about the possibility of the military seeking to maintain its influence over the government for "the long-term," perhaps with some explicit role for itself as guarantor of stability. Gotham said that he expected someone would propose something like this, given the historical importance of the military. However, he said, there would be very stiff resistance to any proposal along these lines. "We've been through this before," he said, referring to protests in the 1980's and 1990's. In 1992, he said, they succeeded in removing an explicit military role from the constitution. Any effort to roll back the clock on this would be met with great opposition, Gotham said, and he believed that the military understood that.

COMMENT

¶18. (C) In meetings this week between the Ambassador and members of the CNS (Gen. Winai - ref B, and Gen. Sonthi - ref A), we have been struck by how they seem genuinely and completely unaware of this undercurrent of opposition. Because the government has not blocked any of a number of demonstrations, or thrown journalists out of their jobs, they claim that the martial law restrictions are not doing any harm. They have not given their citizens a good explanation -- if there is one -- why these restrictions need to remain in effect. This is now at the root of a growing frustration with the interim government and with the CNS. Our interlocutors were glad that the US was raising the issue of martial law (although one suggested that we find ways to have other countries raise the issue, perhaps partly in response to concerns that the US has been the loudest voice in criticizing the interim government.) The interim government still has time to dig itself out of this hole, since it seems to enjoy fairly broad support, or at least acceptance, for the time being. But they should remember the quick growth and the surprising strength of the anti-Thaksin movement, an object-lesson that even the most popular of political figures can fall quickly from public favor.

BOYCE